

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM-M-4978-2023

Date of Decision: 30.05.2023

Irfan Khan

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Jamshed Ahmed, Advocate for
Mr. Yash Dev Kaushik, Advocate
for the petitioner.

Mr. Ram Kumar Singla, DAG, Haryana.

HARSH BUNGER J. (ORAL)

1. Petitioner (Irfan Khan) has filed the present petition under Section 439 of the Code of Criminal Procedure seeking grant of regular bail in case FIR No.14 dated 01.12.2022 (Annexure P-1), under Sections 120-B, 379, 419, 420 and 509-B of the Indian Penal Code, registered at Police Station Cyber Crime Jind, District Jind.

2. Status report by way of affidavit dated 13.04.2023 of Mr. Jitender Singh, Deputy Superintendent of Police, Jind-Headquarter, District Jind, has been filed on behalf of State of Haryana, which is already on record.

3. Custody certificate dated 29.05.2023 of the petitioner is filed by learned State counsel in Court today, which is taken on record, subject to all just exceptions.

4. The present FIR was registered on the basis of complaint of Sahil Garg s/o Roshan Lal, stating that on 02.11.2022 at about 12:20 A.M.,

he received a request on Facebook from a girl, namely Bhawna Singh, which was not accepted by him. Thereafter, the girl sent him a message on Facebook making request for friendship and asked his WhatsApp number, whereupon the complainant send his WhatsApp number 1438-855-0982, which he used while residing in Canada. Thereafter, they started talking on WhatsApp and they also used to talk in nude condition and during that period, the girl prepared a video through screen recorder without taking consent from the complainant. Thereafter, she started blackmailing the complainant after transmitting that video clip and also extended threat to viral the same. It is stated that after some time, the complainant received a call from a man, who demanded Rs.31,500/- for deleting the said video clip and due to fear, the said amount was given by the complainant. However, thereafter the accused party further demanded Rs.51,000/-, Rs.61,000, Rs.1,00,000/-, Rs.2,00,000/-, Rs.1,00,000/- and Rs.15,000/- on various occasions and in this manner, they took a total amount of Rs.6,93,500/- from the complainant. The said amount was paid by the complainant from his I.C.I.C.I. Bank, Branch Uchana, Account No.091001519812, and H.D.F.C. Bank, Branch Sohana , Mohali, Account No.50100147351118. He transferred the aforesaid amounts through U.P.I. No.873982411 of the accused persons in their Account No.2212110010052803 of Ujjivan Bank and Account No.50100562487494 of the H.D.F.C. Bank. The accused persons used to call the complainant through their WhatsApp Nos.7878809950 and 9785167107. It is stated that later on upon asking of the accused persons, the complainant deleted his WhatsApp and also disabled his Facebook ID (sageg334@gmail.com) due to fear. Accordingly, legal action was prayed for by the complainant against

the accused persons.

5. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case as he was initially not named in the aforesaid FIR (Annexure P-1). He was nominated only on the basis of disclosure statement of co-accused Trilok Saini, which was recorded on 20.12.2022. Learned counsel states that the petitioner has no concern with the account numbers in question, in which the complainant allegedly deposited the amount of Rs.6,93,500/-.

6. Learned counsel for the petitioner submits that the petitioner applied for grant of regular bail before the Court of Additional Sessions Judge, Jind, which was wrongly declined vide order dated 17.01.2023 (Annexure P-2). It is stated that the petitioner is in custody for a period of five months and five days (as on 29.05.2023); investigation in the case is complete, challan stands presented on 17.02.2023 and even charges have been framed on 31.03.2023. Learned counsel states that out of the total twenty one prosecution witnesses, only two witnesses have been examined, by now. Hence, trial is likely to take some time to conclude. It is submitted that there is no other case is pending against the petitioner. Learned counsel for the petitioner contends that the petitioner is ready to abide by all the conditions as may be imposed by this Court or by the trial Court; accordingly prayer for grant of regular bail is made.

7. Learned State counsel opposes the plea of petitioner for grant of regular bail on the ground of seriousness of the offences. However, it is fairly conceded that the petitioner is in custody in the present case for a period of five months and five days; investigation in this case is complete, challan stands presented and even charges have been framed and no other

case is pending against the petitioner. It is also not disputed that out of the total twenty one prosecution witnesses, only two witnesses have been examined, by now.

8. I have heard learned counsel for the parties and perused the paper book and status report as well as custody certificate of the petitioner.

9. In the instant case, petitioner has been in custody for a period of five months and five days (as on 29.05.2023) and there is no other case pending against him. Investigation in the case is complete, challan stands presented on 17.02.2023 and even charges have been framed on 31.03.2023. Out of the total twenty one prosecution witnesses, only two witnesses have been examined, by now. Trial in the case is likely to take long time to conclude and no useful purpose would be served by keeping the petitioner behind the bars for an indefinite period.

10. Keeping in view the aforementioned circumstances, the instant petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate concerned. However, the concerned Station House Officer shall be informed about the release of petitioner and the petitioner shall inform the concerned Station House Officer about his address at which he intends to reside during the pendency of case/trial and any change in the address shall be communicated to the concerned Station House Officer, forthwith. The petitioner would also furnish his telephone number to the concerned Station House Officer. He would also furnish his undertaking to the effect that he will not indulge in any illegal activity. The petitioner shall also appear before the concerned Police Station/Station House Officer on first Monday of every month till the

conclusion of trial.

11. In addition, the petitioner (or anyone on his behalf) shall prepare a Fixed Deposit Receipt (F.D.R.) in the sum of Rs.30,000/- and submit the same with the trial Court. The same would be liable to be forfeited as per law, in case the petitioner remains absent from trial without any sufficient cause.

12. Nothing expressed hereinabove shall be construed to be an observation on merits of the case and the facts and circumstances recorded above are only for consideration of the prayer for bail at this stage.

13. The petition is accordingly disposed of.

14. All pending application(s), if any, shall also stand closed.

30.05.2023

Apurva

**(HARSH BUNGER)
JUDGE**

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No